

AMENDMENT IN RESPONSE TO EX PARTE QUAYLE OFFICE ACTION
U. S. Application No. 09/775,464

REMARKS

Claims 1-19 are pending in the application.

The drawings are objected to as allegedly not showing all of the features specified in the claims.

Claims 1-19 are objected to because of the informalities noted on pages 3-4 of the Office Action.

The Examiner has indicated that claims 1-19 would be allowable if rewritten to overcome the objections.

The Examiner has provided proposed claim amendments, which should place the claims in condition for allowance, except for the objection to the drawings related to claim 5 and the objection to claim 14. Applicant herein amends the claims as suggested by the Examiner.

Also, Applicant further amends claim 14 to address the allegedly indefinite claim language of the claim. Specifically, claim 14 is amended to recite outputting the estimated data transmission rate for the first predetermined interval as the data transmission rate in a case where it is determined that the estimated data transmission rate for the first predetermined period does not exist between a predetermined upper bound and a predetermined lower bound when the present operation mode is a transmit/receive tracking mode. An exemplary embodiment of the method corresponding to claim 14 is illustrated in FIG. 4 of the present application. As shown in FIG. 4, when the present mode is the transmit/receive tracking mode, step 415 performs a determination of whether the estimated data transmission rate exists between a lower bound and an upper bound. If it is determined that the estimated data transmission rate does not exist between the lower and upper bounds, the estimated data transmission rate is outputted (step 419).

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The estimated data transmission rate can also be outputted when in the transmit/receive average mode, as shown in step 413 of FIG. 4. When in the transmit/receive average mode, however, there is no determination of whether the estimated data transmission rate exists between a lower bound and an upper bound. Based on the foregoing, Applicant submits that there is no conflict between steps (e) and (f) of claim 14 and no indefiniteness in the language of claim 14.

With regard to the drawing objection, Applicant has the following comments. The drawing objection relates to the feature of claim 5 of wherein the comparing unit sets a value obtained when one reference error level selected by a user from a plurality of reference error levels is multiplied by the sampled value of the one isochronous period, as the reference error level, and is formed to compare the error value of the one isochronous period with the reference error level. The Examiner asserts that “the multiplication of a selected one error level by the sampled value of the one isochronous period to create the reference error level” must be shown in the figures or canceled from the claims. Claim 5 is an apparatus claim, which depends from claim 2, which depends from independent claim 1. One of the features of claim 1 is a comparing unit for comparing the error value output by the error detecting unit with a reference error level. The portion of claim 5 referred to by the Examiner provides details of the comparing unit setting a value as a reference error level, i.e., the operation of the comparing unit. Since the comparing unit is illustrated in FIG. 1 of the present application, Applicant submits that the figures do illustrate all of the features of claim 5. Thus, Applicant requests that the Examiner remove the objection to claim 5.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

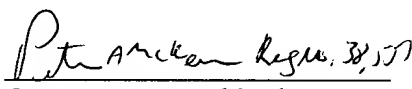
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